

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

GUILLERMO E. PHILPOTTS

Plaintiff,

– against –

THE BOARD OF ELECTIONS IN THE  
CITY OF NEW YORK,

Defendant.

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ APR 28 2015 ★

BROOKLYN OFFICE

JUDGMENT

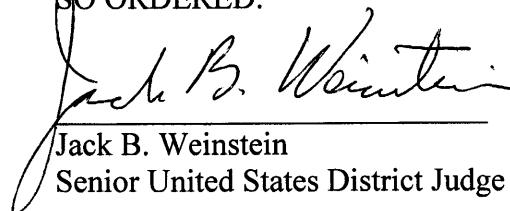
15-CV-2366

**JACK B. WEINSTEIN, Senior United States District Judge:**

Plaintiff sues the Board of Elections seeking to have his name placed on the ballot for the special election on May 5, 2015 to fill the Office of Member of the Assembly for the 43rd Assembly District. He had filed a “consent to be nominated” to be the candidate for that office of the Democratic Party. But, “for reasons best known to itself, the Democratic County Organization did not file a certificate of nomination reflecting plaintiff’s nomination.” *See* Pl.’s Mem. in Support of Mot. for Prelim. Inj. 6, Apr. 27, 2015, ECF No. 4.

Never having been nominated, plaintiff is not entitled to appear on the ballot. His complaint is dismissed. No costs or disbursements.

SO ORDERED.

  
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Jack B. Weinstein  
Senior United States District Judge

Dated: April 28, 2015  
Brooklyn, New York

*[Handwritten signature]*